

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

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RUDY J. ZABALA and JOSE FRANCISCO ZABALA, and on  
behalf of themselves and others similarly situated,  
Plaintiff,

No. 17-cv-4944 (SJF)(SIL)

- against -

HORIZON CONSULTING NY, INC., BLUE DIAMOND  
MANAGEMENT, RAVINDER CHOPRA, an individual  
SHALU SURI, an individual, SUSHIL K. GOYAL, an  
individual, NILESH PATEL, an individual, MANOJ A.  
NARANG, an individual, and RANJU NARANG, an individual

Defendant(s).

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**MEMORANDUM OF LAW IN SUPPORT OF MOTION BY LEVINE & BLIT,  
PLLC, TO WITHDRAW AS COUNSEL FOR PLAINTIFFS, AND TO FILE  
SUPPORTING AFFIDAVIT UNDER SEAL**

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LEVINE & BLIT, PLLC, (“L&B”), counsel for plaintiffs, submits this Memorandum of law in support of L&B’s Motion to withdraw as counsel for plaintiffs, and to file its supporting affidavit under seal.

### **RELEVANT FACTS**

From the inception of these claims, plaintiffs have been represented by the firm Cardenas, Islam & Associates, 175-61 Hillside Avenue, Jamaica, NY 11432 (“Cardenas Islam”). Just prior to the filing of this present action in this Court, Cardenas Islam approached this firm, L&B, to co-counsel on this matter. L&B agreed. Cardenas Islam has yet to file an appearance in this matter, though is certainly co-counsel in every respect.

Now, L&B, which includes attorneys who have filed appearances in this matter on behalf of plaintiffs - Russell S. Moriarty, Justin Clark, and Matthew J. Blit, moves this Court to withdraw as counsel for plaintiffs due to L&B’s inability to work with co-counsel, as will be further outlined in supporting declarations. Should this motion be granted, no harm should accrue to plaintiffs, as Cardenas Islam has been directly retained by plaintiffs since the inception of these claims, and Cardenas Islam maintains a relationship with plaintiffs to this day.

### **ARGUMENT**

#### **I. Withdrawal is Proper As Per New York Rules of Professional Conduct**

As per New York Rules of Professional Conduct Rule 1.16(c)(8), withdrawal is permissible in instances in which, “the lawyer’s inability to work with co-counsel indicates that the best interest of the client likely will be served by withdrawal.” As will be further explained in supporting declarations which L&B requests to file under seal to be reviewed

in camera, L&B is unable to continue to work with Cardenas Islam in the further prosecution of this matter.

## **II. The Supporting Declarations Should be Filed Under Seal**

The supporting declarations will pertain exclusively to communications between co-counsel in this matter, and not the merits of the case. Accordingly, the proposed declarations may be filed under seal, and not provided to defendants, in order to avoid potential prejudice to plaintiffs. *See e.g., Team Obsolete, Ltd. v. A.H.R.M.A., Ltd.*, 464 F. Supp. 164, 164-66 (E.D.N.Y. 2006) (“a review of the relevant case law demonstrates that documents in support of motions to withdraw as counsel are routinely filed under seal where necessary to preserve the confidentiality of the attorney-client relationship between a party and its counsel, and that this method is viewed favorably by the courts.”) (citing *Weinberger v. Provident Life & Cas. Ins. Co.*, No. 97-cv-9262, 1998 U.S. Dist. LEXIS 19859 (S.D.N.Y. 1998)).

Thus, L&B respectfully requests that the Court allow the filing of the proposed supporting declarations under seal, with a copy to be served on plaintiffs.

## **CONCLUSION**

For foregoing reasons, L&B respectfully requests that it be permitted to file the proposed supporting declarations under seal, and that the Court grant the Motion of L&B to withdraw as counsel for plaintiffs in this matter.

Dated: October 3, 2018  
New York, New York

LEVINE & BLIT, PLLC



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To:

Plaintiffs (via First Class Mail)  
Cardenas, Islam and Associates (via Email and First Class Mail)  
All Defendants (via ECF)